

Calls for Legislative Action

Recent Utah Appellate Court Decisions

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What is a call for legislative action?

“[C]ourts can call the attention of the legislature to statutes in need of clarification or modification.”

In re Estate of Hannifin, 311 P.3d 1016, 1025 (Utah 2013) (Durham, J., dissenting).

C.R. England v. Labor Commission

Utah Court of Appeals – 2021 UT App 108

- **Issue:**

- Does an appellate court have jurisdiction over a cross-petition in an administrative appeal?





C.R. England v. Labor Commission

Utah Court of Appeals – 2021 UT App 108

- **Call for Legislative Action**

- We therefore believe our Supreme Court should direct its Advisory Committee on the Rules of Appellate Procedure to consider amendments to the applicable rules that would enable parties in administrative proceedings to file cross-petitions. And to the extent that statutory changes are needed to effect such a change, appropriate statutory amendments should also be considered by our Legislature.” 2021 UT App 108, ¶ 12 n. 6.

- **Recommendation:**

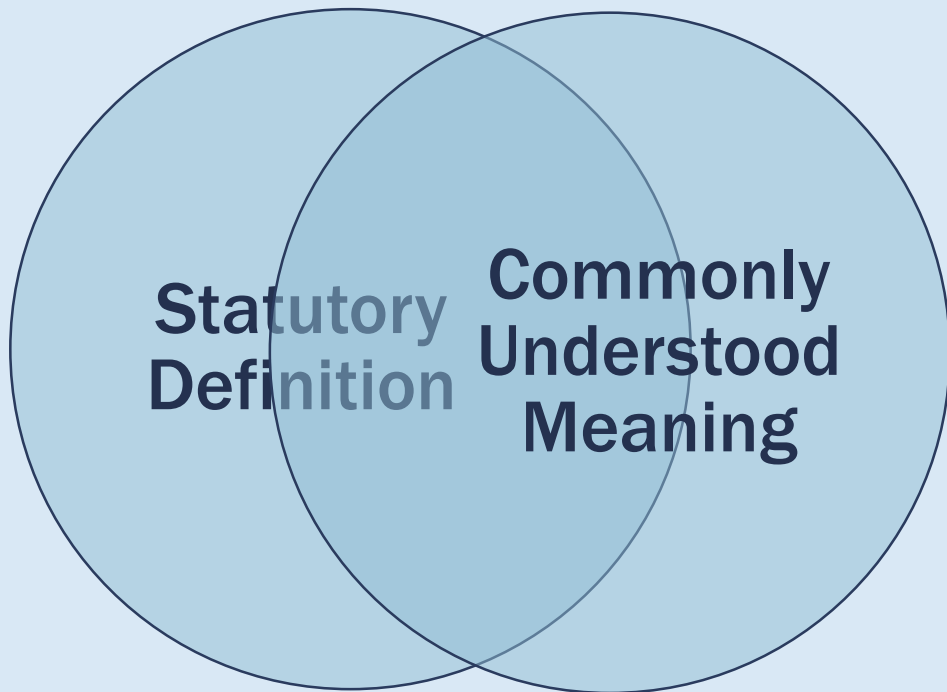
- Committee may want to refer this issue to the Administrative Rules Review and General Oversight Committee to consider whether amendments should be made to the Administrative Procedures Act.

State v. Carter

Utah Court of Appeals -- 2022 UT App 9

- **Utah Code Section 76-6-103**

- A person is guilty of aggravated arson if by means of fire or explosives he intentionally and unlawfully damages . . . “a habitable structure.”



Statutory Definition (Utah Code Section 76-6-101):

- Buildings, vehicles, trailers, railway cars, aircraft, or watercraft
- Used for lodging, assembling persons, or conducting business
- Regardless of whether a person is present or not

Commonly Understood Meaning:

- Capable of being lived in



State v. Carter

Utah Court of Appeals -- 2022 UT App 9

- **Call for Legislative Action:**

- “[W]hile the house [in this case] may have been ‘habitable’ as that term is commonly understood, it was not ‘habitable’ as that term is specifically defined in the statute. Given this conundrum, our Legislature may well wish to revisit this provision.” 2022 UT App 9, ¶¶ 20-21.

- **Recommendation:**

- Committee may want to refer the issue to the Law Enforcement and Criminal Justice Interim Committee to consider whether the definition should be amended.



doTERRA International v. Kruger

Utah Supreme Court – 2021 UT 24

- **Issue:**
 - Does Utah law allow the waiver of punitive damages in a contract?
- **Punitive damages = to punish or deter conduct by the defendant**



doTERRA International v. Kruger

Utah Supreme Court – 2021 UT 24

- **Call for Legislative Action:**

- Without comment on the parties' arguments that existing statutory references to punitive damages either are or are not a clear enough expression of policy to sustain the burden Eagle Mountain describes, we invite the legislature to consider specifically addressing the question." 2021 UT 24. ¶18 n. 4.

- **Recommendation:**

- Committee may want to refer the issue to the Business and Labor Interim Committee to consider whether the question should be addressed in statute.

Diderickson and Bruun v. State

Utah Supreme Court – 2022 UT 2

- **Issue:**
 - What impact does a settlement agreement have on restitution?





Diderickson and Bruun v. State

Utah Supreme Court – 2022 UT 2

- **Call for Legislative Action:**

- “In the absence of briefing and argument, we decline to take up the question and invite the legislature to consider addressing the issue in the statute.” 2022 UT 2, ¶ 54.

- **Recommendation:**

- Judiciary Interim Committee may want to consider studying the issue or opening a bill file on the issue.



Summary of Recommendations

- **C.R. England v. Labor Commission (Cross Petition for Administrative Appeal)**
 - Refer to Administrative Rules Review and General Oversight Committee
- **State v. Carter (Aggravated Arson & Habitable Structure Definition)**
 - Refer to Law Enforcement & Criminal Justice Interim Committee
- **doTERRA International v. Kruger (Punitive Damages & Waivers)**
 - Refer to Business & Labor Interim Committee
- **Diderickson & Bruun v. State (Restitution & Settlements)**
 - Study the issue or open a bill file